UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,155	01/14/2000	Joseph K. Cross	990479.ORI	8019

7590 03/16/2004	**EXAMINER**
Paul T. Dietz Esq	COURTENAY III, ST JOHN

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ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 January 2000_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-40_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

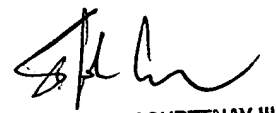8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _1-14-00_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

ST. JOHN COURTENAY III
PRIMARY EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _2 & 3_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Action

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-40 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Koistinen et al.** (U.S. Patent 6,154,778).

As per independent claim 1:
Koistinen teaches a system for determining whether an interface is capable of fulfilling a quality of service demand of an application, the system comprising:

- an interface capable of both linking to applications and performing services for the applications [see "server agent 40" and "client agent 42" that provide Qos negotiation functionality on behalf of a client and a server, col. 9, discussion beginning line 9]; and

- the applications including a demand specifier that defines a required quality of service to be performed by the interface, wherein a capability of the interface to perform the required quality of service is determined upon initializing a link

between the interface and the application [e.g., see probabilistic estimate "server guarantee 11" and "server requirement 13" and associated discussion beginning col. 5, lines 6-56 and "client preference 19" and "client guarantee 23" discussion beginning col. 5, line 57].

As per independent claim 14:
Koistinen teaches a system for determining whether an interface is capable of fulfilling a quality of service demand of an application, the system comprising:

- an interface capable of both linking to a plurality of applications and performing services for the applications [see "server agent 40" and "client agent 42" that provide Qos negotiation functionality on behalf of a client and a server, col. 9, discussion beginning line 9]; and

- the applications including a probability assertion that defines a required quality of service to be performed by the interface, wherein a capability of the interface to perform the required quality of service is determined upon initializing a link between the interface and the application [e.g., see probabilistic estimate "server guarantee 11" and "server requirement 13" and associated discussion beginning col. 5, lines 6-56 and "client preference 19" and "client guarantee 23" discussion beginning col. 5, line 57] .

As per independent claim 26:
Koistinen teaches a system for determining whether an interface is capable. of fulfilling a quality of service demand of an application, the system comprising:

- control means for processing requested services, the control means capable of both linking to a plurality of applications

and performing services for the applications [see "server agent 40" and "client agent 42" that provide Qos negotiation functionality on behalf of a client and a server, col. 9, discussion beginning line 9]; and

- the applications including demand means for defining a required quality of service to be performed by the control means, wherein a capability of the control means to perform the required quality of service is determined upon initializing a link between the control means and the demand means [e.g., see probabilistic estimate "server guarantee 11" and "server requirement 13" and associated discussion beginning col. 5, lines 6-56 and "client preference 19" and "client guarantee 23" discussion beginning col. 5, line 57].

As per independent claim 33:
Koistinen teaches a method for determining whether an interface is capable of fulfilling a quality of service demand of an application, the method comprising the steps of:

- including in an application a demand specifier that defines a required quality of service to be performed by an interface [e.g., see probabilistic estimate "server guarantee 11" and "server requirement 13" and associated discussion beginning col. 5, lines 6-56 and "client preference 19" and "client guarantee 23" discussion beginning col. 5, line 57];

- linking the interface to the application [see "server agent 40" and "client agent 42" that provide Qos negotiation functionality on behalf of a client and a server, col. 9, discussion beginning line 9];

- determining whether the interface is capable of performing the required quality of service of the application upon initializing a link between the interface and the application,

wherein the demand specifier does not depend upon system requirements of the interface [e.g., see probabilistic estimate "server guarantee 11" and "server requirement 13" and associated discussion beginning col. 5, lines 6-56 and "client preference 19" and "client guarantee 23" discussion beginning col. 5, line 57]; and

- terminating the link between the interface and application if the interface is not capable of performing the quality of service required by the application [e.g., see transmission of a "conflict deal message in step 108" and associated discussion col. 12, lines 21-25, see also col. 13, line 7] .

As per dependent claims 2-8, 10-13, 15-19, 22-25, 27-30, 34-38:
Koistinen teaches a probabilistic estimate "server guarantee 11" and "server requirement 13" [see associated discussion beginning col. 5, lines 6-56] and also a "client preference 19" and "client guarantee 23" [see associated discussion beginning col. 5, line 57]. The probabilistic estimate taught by Koistinen is a probability assertion that uses a utility function to determine the maximum acceptable latency (inherent), minimum reliability (col. 14, line 41), security (i.e., see trust function, col. 12, line 37), density bounds (inherent in probability function), and the like, as claimed.

As per dependent claims 8, 9, 20, 21, 31, 32, 39, 40:
Koistinen teaches an interface that includes a network of microprocessor based controllers wherein the interface includes a network of microprocessor based controllers and the applications includes a remote microprocessor based computer linked to the interface [**Koistinen** teaches a distributed computer system comprised of clients and servers that inherently have

microprocessor based controllers – see discussion col. 1, lines 6-11].

Prior Art not relied upon:
Please refer to the references listed on the attached PTO-892 which are not relied upon in the claim rejections detailed above.

How to Contact the Examiner:

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **St. John Courtenay III** whose voice telephone number is **(703) 308-5217.** A voice mail service is also available at this number.   Normal Flex work schedule: M – F   7:30 AM - 4:00 PM

- **All responses sent by U.S. Mail should be mailed to:**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Patent Customers advised to FAX communications to the USPTO

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/faxnotice.pdf

Effective Oct. 15, 2003, ALL patent application correspondence transmitted by FAX must be directed to the new PTO central FAX number:
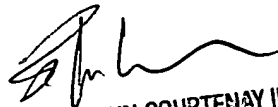
**NEW PTO CENTRAL FAX NUMBER:
703-872-9306**

- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (703) 305-3900.**

Please direct inquiries regarding fees, paper matching, and other issues not involving the Examiner to:
     Technical Center 2100 CUSTOMER SERVICE: 703 306-5631

The Manual of Patent Examining Procedure (MPEP) is available online at:
http://www.uspto.gov/web/offices/pac/mpep/index.html

ST. JOHN COURTENAY III
PRIMARY EXAMINER